

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

Case No. 6:05-bk-03334-ABB
Chapter 7

ALFRED KELLY CARPENTER and
JUANITA SUE CARPENTER,

Debtors.

MARIE E. HENKEL, Chapter 7 Trustee,

Plaintiff,

vs.

Adv. Pro. No. 6:05-ap-00313-ABB

ALFRED KELLY CARPENTER,
CARPENTER, MOUNTJOY &
BRESSLER, P.S.C., and MOUNTJOY &
BRESSLER, LLP,

Defendants.

JUDGMENT

This matter came before the Court on the Amended Complaint for Turnover of Property of the Estate, Objection to Discharge of Debtor and for Injunction ("Complaint")¹ and the Verified Emergency Motion for Preliminary Injunction² filed by Marie E. Henkel, the Chapter 7 Trustee herein ("Trustee"), against Alfred Kelly Carpenter, a Debtor and Defendant herein ("Debtor"), Carpenter, Mountjoy & Bressler, P.S.C., and Mountjoy & Bressler, LLP. Also before the Court is the Debtor's Motion for Partial Summary Judgment³ in which the Debtor seeks dismissal of the four counts (Counts II, III, IV, and V) of the Trustee's Complaint relating to 11 U.S.C. § 727(a) discharge objections. After reviewing the pleadings and evidence, receiving testimony, exhibits, and in conformity with and pursuant to the **Memorandum Opinion** entered contemporaneously herewith, it is

ORDERED, ADJUDGED and DECREED that the relief sought in the Debtor's Motion for Partial Summary Judgment is hereby

GRANTED and Counts II, III, IV, and V of the Trustee's Complaint are hereby **DISMISSED** and **JUDGMENT** is hereby entered in favor of the Debtor Alfred Kelly Carpenter and against the Plaintiff Marie E. Henkel, Trustee; and it is further

ORDERED, ADJUDGED and DECREED that the relief sought in the Plaintiff's Verified Emergency Motion for Preliminary Injunction and Complaint in Counts I and VI is **GRANTED** and **JUDGMENT** is hereby entered for the Plaintiff Marie E. Henkel, Trustee, and against the Defendants Alfred Kelly Carpenter, Carpenter, Mountjoy & Bressler, P.S.C. and Mountjoy & Bressler, LLP; and it is further

ORDERED, ADJUDGED and DECREED that **JUDGMENT** is hereby entered for the Plaintiff Marie E. Henkel, Trustee, in the amount of \$67,500.00 and against the Debtor Alfred Kelly Carpenter, and he is directed to turnover said amount to the Trustee forthwith; and it is further

ORDERED, ADJUDGED and DECREED that Carpenter, Mountjoy & Bressler, P.S.C. and Mountjoy & Bressler, LLP are permanently enjoined from issuing any Deferred Compensation Agreement payments to the Debtor or anyone other than the Trustee and shall forthwith turnover to the Trustee the January, February, and March 2006 payments totaling \$22,500.00 and all future monthly payments that come due pursuant to the Deferred Compensation Agreement; and it is further

ORDERED, ADJUDGED and DECREED that Alfred Kelly Carpenter, Carpenter, Mountjoy & Bressler, P.S.C. and Mountjoy & Bressler, LLP are hereby permanently enjoined from transferring, encumbering, or interfering with the Deferred Compensation Agreement in any way; and it is further

ORDERED, ADJUDGED and DECREED that for all of the foregoing sums let execution issue and the Court reserves jurisdiction to enter such orders as may be necessary to give full effect to this Judgment.

Dated this 24th day of March, 2006.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge

¹ Doc. No. 12.

² Doc. No. 3.

³ Doc. No. 15.